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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 IN RE: Bard IVC Filters Products Liability  
10 Litigation,

No. MDL 15-02641-PHX-DGC

11 \_\_\_\_\_  
12 Doris Jones, an individual,  
13 Plaintiff,

No. CV16-0782-PHX-DGC

14 v.

**ORDER**

15 C. R. Bard, Inc., a New Jersey corporation;  
16 and Bard Peripheral Vascular, Inc., an  
17 Arizona corporation,  
18 Defendants.

19 The parties have submitted deposition excerpts for the Court's review. This order  
20 includes the Court's ruling on objections contained in the excerpts. The order will  
21 identify objections by the number of the deposition page on which they appear. If more  
22 than one objection appears on a page, the order will identify the line on which the  
23 objection starts. Where an objection is sustained, the order will identify the page and  
24 lines that should be omitted, but if no lines are identified, the objection is sustained with  
25 respect to all designated testimony on that page.

26 A. Alfred Jones, Sr.

27 1. 8 – sustained. Irrelevant.

28 2. 9:5-16 – sustained. Irrelevant.

- 1 3. 9:22 to 10:3 – sustained. Irrelevant.
- 2 4. 18:22-19-17 – parties can resolve after Court rules on motions in limine.
- 3 5. 20:24-21:14 – parties can resolve after Court rules on motions in limine.
- 4 6. 23:4-25:15 – overruled. Not offered for the truth of the matters asserted.
- 5 7. 29:2-11; 31; 39; 40 – parties can resolve after Court rules on motions in
- 6 limine.

- 7 8. 42:8-12 – sustained; hearsay.

8 B. Bill Altonaga.

- 9 1. 124 – testimony objected to not included in excerpt (pages 114-115).
- 10 2. 153 – overruled (assuming Plaintiff intended to designate the question
- 11 before this answer).
- 12 3. 166-67 – sustained; Rule 602.
- 13 4. 179-80 – sustained; Rule 602.
- 14 5. 182:19-183:5 – sustained; Rule 602.
- 15 6. 251 – testimony objected to not included in excerpt (pages 261, 266).

16 C. Christine Brauer.

- 17 1. The Court’s previous order on Plaintiff’s use of experts withdrawn by
- 18 Defendants remains in effect for the Jones case.
- 19 2. 5/23/14 Depo: 80-81 – overruled.
- 20 3. 89 – overruled.
- 21 4. 91 – overruled.
- 22 5. 92 – overruled.
- 23 6. 8/2/17 Depo: 61 – overruled.
- 24 7. 93 – sustained. Person referred to never identified, so irrelevant.
- 25 8. 126:5-127:17 – sustained. Witness does not recall, so irrelevant and waste
- 26 of time under Rule 403.
- 27 9. 128 – sustained. Witness does not know. Complete waste of time.
- 28 10. 130-135 – sustained. Witness does not know. Complete waste of time.

- 1 11. 140 – overruled.
- 2 12. 147-48 – overruled.
- 3 13. 162 – sustained.
- 4 14. 173-74 – overruled.
- 5 15. 175-76 – overruled.
- 6 16. 195-96 – overruled.
- 7 17. 245 – overruled.
- 8 18. 272:10-18 – sustained. Witness does not know. Complete waste of time.
- 9 19. 277 – overruled.
- 10 20. 331 – overruled.
- 11 21. 335 – overruled.
- 12 22. 337 – overruled.
- 13 23. 348-49 – sustained.
- 14 24. 379-80 – overruled.
- 15 25. 408:9-14 – sustained. Witness does not know. Complete waste of time.

16 **Court’s observation and caution:** Much of the testimony designated by Plaintiff  
 17 in the Brauer depositions is completely irrelevant, as noted above. Much additional  
 18 testimony is only minimally relevant. After reviewing these designations, the Court is  
 19 concerned that Plaintiff’s counsel will waste trial time presenting minimally relevant  
 20 evidence. Counsel for both sides are therefore advised that the Court intends to hold the  
 21 parties to the time limits established for this trial. If a party chooses to spend time on  
 22 minimally relevant or repetitive matters and thereby has insufficient time for important  
 23 matters later in the trial, the Court will not bail that party out by granting additional time.  
 24 The Court is determined that this bellwether trial and the trials that follow will be more  
 25 efficient than the Booker trial.

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1 D. Dr. David Chodos.

- 2 1. 40 – overruled.
- 3 2. 41 – overruled.
- 4 3. 48 – overruled.
- 5 4. 64 – overruled.
- 6 5. 67 – overruled.
- 7 6. 70 – overruled.
- 8 7. 88:22-89:3 – sustained.
- 9 8. 92 – both sustained.
- 10 9. 94 – parties can resolve after Court rules on motions in limine.
- 11 10. 104 – parties can resolve after Court rules on motions in limine.
- 12 11. 111 – overruled.
- 13 12. 127 – overruled.
- 14 13. 129-30 – overruled.
- 15 14. 133 – parties can resolve after Court rules on motions in limine.
- 16 15. 135-37, 139, 144 – parties can resolve after Court rules on motions in
- 17 limine.
- 18 16. 150-51 – sustained.
- 19 17. 153, 155 – parties can resolve after Court rules on motions in limine.
- 20 18. 159 – sustained.

21 E. Jason Greer.

- 22 1. 176 – overruled.

23 F. John Lehman.

- 24 1. 6 – sustained.
- 25 2. 11 – sustained.
- 26 3. 16 – sustained. Irrelevant.
- 27 4. 32 – overruled.
- 28

1           5.     63 – overruled. (**Court’s note** – 9 different objections are a waste of time.  
2 In future deposition designations, the Court will summarily deny such laundry-list  
3 objections. The objecting party should think about and make a legitimate objection.)

4           6.     67 – overruled. (Same note.)

5           7.     118 – sustained.

6           8.     121 – sustained.

7           9.     122-23 – overruled. (Same note.)

8           10.    124 – overruled. (Same note.)

9           11.    125 – overruled. (Same note.)

10          12.    128-29 – overruled. (Same note.)

11          13.    131 – overruled. (Same note.)

12       G.     Shanice Matthews.

13           1.     14 – sustained.

14           2.     15:21-23 – sustained. Hearsay.

15           3.     17 – parties can resolve after Court rules on motions in limine.

16           4.     18:4 – sustained.

17           5.     21 – sustained. Irrelevant.

18           6.     23 – overruled.

19           7.     27:12-17 – sustained.

20           8.     31 – parties can resolve after Court rules on motions in limine.

21       H.     Sharese May.

22           1.     10:7-8 – sustained.

23           2.     16:16-18 – parties can resolve after Court rules on motions in limine.

24           3.     16:22-25 – sustained.

25           4.     18:11-18 – sustained.

26           5.     33 – overruled.

27           6.     36:8-14 – sustained.

28           7.     37:9-15 – sustained.

1           8.     41 – sustained.

2           9.     42 – parties can resolve after Court rules on motions in limine.

3       I.     Dr. Mark Moritz.

4           1.     The Court’s previous order on Plaintiff’s use of experts withdrawn by  
5 Defendants remains in effect for the Jones case.

6           2.     43:6-10 – sustained.

7           3.     50, 52, 57, 68, 71, 72, 85, 96, 100, 102, 115, 117, 128, 130, 194, 222 –  
8 sustained. Cumulative. See previous order on Plaintiff’s use of withdrawn experts.

9           4.     122 – overruled (if not cumulative).

10          5.     124 – sustained. Hearsay.

11          6.     135:13-22 – sustained. Not Plaintiff’s treating physician.

12          7.     135:23-137:17 – overruled (if not cumulative).

13          8.     138:24-141:11 – overruled (if not cumulative).

14          9.     141 – overruled (if not cumulative).

15          10.    144 – overruled (if not cumulative).

16          11.    146:11-148:5 – overruled (if not cumulative).

17          12.    149 – overruled (if not cumulative).

18       J.     Dr. Kirstin Nelson.

19          1.     83 – overruled.

20       K.     Dr. Colleen Taylor.

21          1.     17 – parties can resolve after Court rules on motions in limine.

22          2.     21 – sustained.

23          3.     22 – parties can resolve after Court rules on motions in limine.

24          4.     25, 26, 39 – parties can resolve after Court rules on motions in limine.

25       L.     Mark Wilson.

26          1.     63 – overruled.

27          2.     91 – overruled.

28          3.     92 – overruled.

